UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,334	07/12/2001	Paul McAlinden	ITL.0609US (P11750)	1583

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EXAMINER
ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
12/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/904,334	MCALINDEN, PAUL
	Examiner	Art Unit	
	THJUAN K. ADDY	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 September 2009</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3,4,8-18 and 20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3,4,8-18 and 20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>12 July 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on September 09, 2009 has been entered. Claim 1

has been amended. Claims 2, 5-7, 19, and 21-30 have been cancelled. No claims

have been added. Claims 1, 3, 4, 8-18, and 20 are still pending in this application, with

claims 1 and 11 being independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over daSilva (US 6,445,937).

3.   In regards to claim 1, daSilva discloses a cellular telephone (See Fig. 1 and

mobile telephone 100) comprising: an applications processor (See Fig. 1 and auxiliary

microprocessor 154); a baseband processor (See Fig. 1 and mobile telephone

baseband microprocessor 122); a first bus (See Fig. 1 and the connection between

auxiliary microprocessor 154 and mobile telephone baseband microprocessor 122)

coupling said processors (See col. 4 lines 9-18); and a device (See Fig. 1 and detector

152) to detect an attempt to make a call and to selectively bypass the applications

processor if the applications processor fails to respond (i.e., auxiliary microprocessor

154 is in idle mode) within a time period after said attempt, by diverting signals from the

applications processor to the baseband processor (See col. 4-5 lines 59-7). Although

daSilva does not specifically disclose an attempt to make an emergency call, the

outgoing or incoming "call" that daSilva references to, may be any type of call, including

an emergency call. For example, since a mobile telephone baseband microprocessor

must operate at a high clock frequency to provide real-time voice communications, it

consumes a relatively large amount of power even when in standby mode, and since

the device of the present invention provides very limited functionality, such as detecting

the telephone's mobile identification number (MIN) and switching the baseband

microprocessor on and off, it may operate at a relatively low clock frequency, and

therefore consume much less power than a baseband microprocessor in standby mode.

"Real-time voice communications" may therefore read on an "emergency" voice

communcation.

4.   In regards to claim 3, daSilva discloses the telephone, including a keypad, said

applications processor coupled to said keypad to receive keypad inputs (See col. 5 lines

8-17).

5.   In regards to claim 4, daSilva discloses the telephone, including a display, said

applications processor coupled to said display to provide outputs to said display (See

col. 6 lines 1-6).

6.   In regards to claim 8, daSilva discloses the telephone, wherein said telephone

includes a keypad, keypad entries being provided to said applications processor, said

device selectively shunting said keypad entries to said baseband processor (See col. 6 lines 6-17).

7.   In regards to claim 9, daSilva discloses the telephone, including a display, said display coupled to receive outputs from said applications processor, said device to selectively bypass the applications processor to provide outputs to said display from said baseband processor (See col. 4-5 lines 59-7).

8.   In regards to claim 10, daSilva discloses the telephone, including a display and a keypad, said applications processor coupled to said display and said keypad and said baseband processor coupled to said display and said keypad through said applications processor and said device (See col. 5 lines 8-17 and col. 6 lines 1-6).

9.   Claims 11-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guevara et al. (US 6,519,324), in view of daSilva (US 6,445,937).

10.   In regards to claim 11, Guevara discloses a method comprising: establishing communication between an input/output device (e.g., device in which an emergency call is made from) and a first processor (e.g., processor located within the first operator station) to execute a first task (e.g., providing assistance in regards to the emergency call); and in response to the detection (via a switching system) of an attempt to make an emergency call and the failure of the first processor to respond to said attempt within a period of time, providing said communications to a second processor (e.g., processor located within the second/alternate operator station) so that the second processor executes the first task in place of the first processor (See Abstract and col. 2 lines 3-18).

Guevara, however, does not disclose a first processor, that acts as an applications

processor, to execute a first task. daSilva, however, does disclose a first processor

(See Fig. 1 and auxiliary microprocessor 154), that acts as an applications processor, to

execute a first task (See col. 4-5 lines 59-7). Therefore, it would have been obvious for

one of ordinary skill in the art at the time of the invention to incorporate this limitation

within the method, as a way of establishing an operational state that consumes

significantly less power than the standby state of a typical mobile telephone, yet

provides the capability to rapidly resume a normal operational state.

11.   In regards to claim 12, Guevara discloses the method, including selectively

coupling keypad entries to a second processor when a first processor fails to respond

(See col. 2 lines 3-18 and col. 2 lines 47-53).

12.   In regards to claim 13, Guevara discloses the method, including coupling keypad

entries directly to the first processor except when the first processor fails to respond

(See col. 2 lines 3-18).

13.   In regards to claim 14, Guevara discloses all of claim 14 limitations, except the

method, including detecting an emergency call and in response to the detection of an

emergency call, coupling keypad entries directly to a baseband processor. daSilva,

however, does disclose detecting an emergency call (e.g., Real-time voice

communications) and in response to the detection of an emergency call, coupling

keypad entries directly to a baseband processor (See Fig. 1 and mobile telephone

baseband microprocessor 122) (See col. 4-5 lines 59-7).

14.   In regards to claim 15, Guevara discloses the method, wherein detecting an event includes detecting the failure of a first processor to respond (See col. 2 lines 3-18).

15.   In regards to claim 16, Guevara discloses the method, including detecting the failure of the first processor to respond within a predetermined amount of time (See Abstract and col. 2 lines 3-18).

16.   In regards to claim 17, Guevara discloses the method, including coupling said second processor to said first processor and coupling said first processor directly to a keypad and a display (See col. 2 lines 43-53).

17.   In regards to claim 18, Guevara discloses the method, including selectively coupling said display and said keypad directly to said second processor (See col. 2 lines 3-18 and col. 2 lines 43-53).

18.   In regards to claim 20, Guevara discloses all of claim 20 limitations, except the method, including providing a second processor that acts as a baseband processor. daSilva, however, does disclose providing a second processor (e.g., mobile telephone baseband microprocessor 122) that acts as a baseband processor (See col. 4-5 lines 59-7).

Response to Arguments

19.   Applicant's arguments with respect to claims 1, 3, 4, 8-18, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

21.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614